

BAY COUNTY VISION STATEMENT

GOAL: To establish, support, and maintain instruments and procedures to carry out the provisions and purposes of Chapter 163, Part II also known as the “Local Government Comprehensive Planning and Land Development Regulation Act,” and this Plan.

Vision: We will create effective and efficient Bay County government that consolidates the provision of key public services in a manner most responsive to the needs and desires of the citizens.

GENERAL STRATEGY

Provide general guidelines and principles for the administration of the Bay County Comprehensive Plan.

Objective 1.1: To establish and enunciate the title, authority for, and applicability of, this Plan.

Public Purpose: To provide for efficient and effective administration of the Bay County Comprehensive Plan (s.187.201(21), F.S.).

Performance Measure: Performance associated with this element is generally through adoption of objectives and policies set forth herein.

Policy 1.1.1: Title: This document shall be entitled the Bay County Comprehensive Plan and may be referred to as the “Plan” or the “Comp Plan.”

Policy 1.1.2: Authority: This Plan is enacted pursuant to specific authority granted by Chapter 163, Part II Florida Statutes, and the general powers granted to counties found in Chapter 125, Florida Statutes.

Policy 1.1.3: Applicability: The provisions of this Plan shall apply to all land in the unincorporated area of Bay County within the jurisdiction of the Bay County Board of County Commissioners as specified in Section 163.3171, Florida Statutes. The provision of this Plan in their interpretation and application are declared to be the minimum requirements necessary to accomplish the objectives, purposes, and intent of this Plan.

Policy 1.1.4: Exemptions and Exceptions: The provisions and requirements of this Plan shall not apply under the following conditions and circumstances:

Policy 1.1.4.1: Family Homestead: An individual parcel of property may be used solely as a “family homestead” by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild

of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in this Plan. This provision shall apply only once to any individual. This requirement may be further described in the Land Development Regulations.

Policy 1.1.4.2: Developments of Regional Impact: Nothing in this Plan shall limit or modify the rights of any person to complete any development that had been authorized as a development of regional impact pursuant to Chapter 380, Florida Statutes or who has been issued a final development order and development has commenced and continued in good faith, consistent with such development order. The “vested rights” authorized herein shall apply only to the development specifically allowed in the development order. Any other development, or substantial deviation from the development authorized in the development order, shall cause the provisions of this Plan to become applicable.

Policy 1.1.4.3: Parcels of Record: Parcels of record recorded prior to May 14, 1990 shall be vested for the development of one single-family residential dwelling regardless of the density or intensity of use assigned to the parcel by this Plan. The term “parcel of record” means a piece of property duly recorded by plat or deed in the Official Records of the Clerk of the Circuit Court, and may include metes and bounds descriptions when such descriptions apply to individual which may be combined to permit development consistent with this Plan shall not be exempt from the density requirement of this Plan.

Policy 1.1.5: As provided for by Section 163.3177(8) of the Florida Statutes, the data and analysis contained in the Bay County 2006 Evaluation and Appraisal Report and the 2006 Bay County Comprehensive Plan Evaluation and Appraisal Report Supplement are hereby incorporated by reference into this Plan.

Objective 1.2: To clearly enunciate the findings, purposes, and intent upon which this Plan is predicated.

Public Purpose: To aid the citizens of Bay County in understanding the purposes for which this Plan was developed.

Performance Measure: The consistency of this Plan with these findings and purposes.

Policy 1.2.1: Findings and Purposes: This Plan is predicated upon and intended to promote the following findings and purposes:

Policy 1.2.1.1: To preserve and enhance present advantages.

Policy 1.2.1.2: Encourage the most appropriate use of land, water and resources consistent with the public interest.

Policy 1.2.1.3: Overcome present handicaps.

Policy 1.2.1.4: Deal effectively with future problems that may result from the use and development of land within unincorporated Bay County.

Policy 1.2.1.5: To preserve, promote, protect and improve the public health, safety, comfort, good order, appearance convenience, law enforcement and fire prevention, and general welfare.

Policy 1.2.1.6: Prevent the overcrowding of land and avoid undue concentration of population.

Policy 1.2.1.7: Facilitate the adequate and efficient provision of public facilities and services.

Policy 1.2.1.8: To conserve, develop, utilize, and protect natural resources.

Policy 1.2.1.9: To recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of this Plan that all provisions, requirements, regulations, ordinances, or programs adopted under authority of this Plan be developed, implemented and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property. Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief shall be as provided by law.

Objective 1.3: To establish and fix the responsibilities and duties associated with the administration of this Plan.

Public Purpose: To provide the citizens of Bay County with information related to the administration of this Plan.

Policy 1.3.1: Powers, responsibilities, and duties associated with the administration of this Plan are as follow:

Policy 1.3.1.1: Board of County Commissioners: The Board of County Commissioners shall be responsible for:

(1) The conduct of public hearings and approvals for transmitting proposed plan amendments to the Department of Community Affairs (DCA) for State review, after review by the Planning Commission;

(2) Adoption of amendments to this Plan by ordinance after due public notices and public hearings, as prescribed by law;

(3) Final approval of any “Evaluation and Appraisal Report” prepared as required by law, and;

(4) Establishing by resolution the qualifications, terms of office, and powers and duties of the Bay County Planning Commission.

Policy 1.3.1.2: Planning Commission: Pursuant to, and in accordance with, Section 163.3174, Florida Statutes, the Bay County Planning Commission is established and designated as the “Local Planning Agency” for Bay County.

The Bay County Planning Commission shall have the powers, duties and responsibilities as set forth in Chapter 163, F.S., as amended. The Bay County Planning Commission shall act in an advisory capacity to the Board, which shall seek its advice and assist in the coordinated and comprehensive planning and development of Bay County.

Qualifications, terms of office, and powers and duties of the Planning Commission shall be established, and may be periodically adjusted or revised, by resolution of the Board of County Commissioners.

The Planning Commission shall also have responsibility for granting variances, permits or other forms of hardship relief as specified in Policy 1.8.1 of this Plan.

Policy 1.3.1.3: Planning Official: The Planning Official shall be an employee of the Board of County Commissioners. The Planning Official or his designee shall be responsible for the following.

- (1) Administration of this Plan.
- (2) Providing staff support to the Planning Commission.
- (3) Recommending changes or amendments to this Plan, as may be necessary from time to time.

Policy 1.3.1.4: County Manager: The County Manager or his designee shall be responsible for any interpretations arising from the administration of this Plan.

Objective 1.4: To establish and enunciate public participation procedures.

Public Purpose: To ensure that consideration and response is given to public comment in relation to any aspect of the Comprehensive Planning Process in Bay County.

Policy 1.4.1: Public Hearings: All public hearings for plan amendments, compliance agreements, and other related proceedings will be conducted as

prescribed by Chapter 163, Part II, Florida Statutes. These public hearings held before the Planning Commission and/or the Board of County Commissioners shall be open to the public and all interested persons will be afforded an opportunity to comment on any action that will change this Plan. In compliance with Chapter 163, Part II, Florida Statutes, the following public hearings shall take place:

- (1) There shall be at least two advertised public hearings conducted for any large scale Future Land Use Map Amendment request (involving over 10 acres of land).
- (2) There shall be at least one advertised public hearing for any Small Scale Future Land Use Map Amendment request (involving 10 acres of land or less).
- (3) There shall be at least two advertised public hearings for any request to amend the text of this Plan.
- (4) Notice of Public Hearings shall be provided for in accordance with Chapter 163, Part II, of the Florida Statutes.

Policy 1.4.2: Opportunities for Public Comment: All interested persons are afforded an opportunity to provide verbal comments on any action that will change this Plan, either by attending the public hearing(s) or by contacting the Planning and Zoning Division staff. Written comments may also be mailed, electronically mailed, or delivered to the Planning and Zoning Division, the County Manager, or to any member of the Planning Commission or Board of County Commissioners.

Objective 1.5: To include definitions to be used during the administration and interpretation of the Plan.

Public Purpose: To aid the citizens of Bay County in understanding the terminology used in this Plan.

Policy 1.5.1: Definitions: Unless otherwise specifically provided in the text of this Plan, or unless clearly required by the context, the definitions found in s. 163.3164, Florida Statute, shall be used to administer and interpret this Plan. In the event a particular definition cannot be found in s.163.3164, Florida Statutes, the Planning Official may use other professionally accepted sources of information for making determinations on definitions.

Objective 1.6: To establish and enunciate the way in which this Plan will be applied, including its relationship to the Bay County Land Development Regulations.

Public Purpose: To aid the citizens of Bay County in understanding the basic relationship between this Plan and the Land Development Regulations.

Policy 1.6.1: Relationship to Controlling Statutes, Land Development Regulations: This Plan is intended to prescribe principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development of Bay County. This Plan is further intended to set general guidelines and principles concerning its purposes and contents and shall be construed broadly to accomplish its stated purposes and objectives.

All land development regulations enacted or amended shall be consistent with this Plan, or element, or portion thereof. A development order or land development regulation shall be consistent with this Plan if the land uses, densities or intensities, and other aspects of development permitted by such regulation or order are compatible with and further the objectives, policies, land uses, and densities and intensities of development set forth in this Plan.

Objective 1.7: To enunciate procedures for amendments to this Plan, including changes to the Future Land Use Map.

Public Purpose: To aid the citizens of Bay County in understanding of how this Plan may be amended.

Policy 1.7.1: Amendment of this Plan: This Plan may only be amended as specified in Chapter 163, Part II, Florida Statutes, except as provided by Chapter 97-28 Laws of Florida, which relates to expedited permitting, and by the following provisions, which are consistent with Chapter 163, Part II, Florida Statutes.

- (1) This Plan may only be amended by action of the Board of County Commissioners after review by the Planning Commission.
- (2) Any persons owning property, residing, or owning or operating a business within the boundaries of Bay County and adjoining local governments may apply for an amendment to the text and maps of the Plan, excluding the Future Land Use Map.
- (3) Any property owner or his/her duly authorized agent may apply for an amendment to the Official Future Land Use Map (FLUM). Any such application must be accompanied by a general plan of development or specific use of the land involved, which shall be binding upon the applicant. All applications for FLUM amendments shall be evaluated based on the criteria specified in Policy 3.2.1 this Plan.

- (4) The Planning Official may initiate amendments to the text of this Plan as well as the maps therein, including the Future Land Use Map, as may be considered necessary from time to time. Amendments initiated in this manner shall also be conducted as specified in Chapter 163, Part II, Florida Statutes.
- (5) The Planning Commission may, at its discretion, establish rules of procedure that will govern the Plan amendment application and review process.
- (6) As part of any requests for amendment of this Plan, the applicant must provide all required support data and analysis, proper justification, responses to state agency comments or any other materials that may be required in support of the amendment request.

Objective 1.8: To provide avenues of hardship relief from those aspects of this Plan that have the effect of regulating the use of land, consistent with the provisions of Chapter 163, Florida Statutes.

Public Purpose: To aid the citizens of Bay County who may experiencing undue hardship because of this Plan or any provision therein.

Policy 1.8.1. Hardship Relief: As specified in s.163.3194 (4) (b), F.S. the intent of a comprehensive plan is to set general guidelines and principles concerning its purposes and contents. In some cases, standards established for the control and distribution of population densities and building and structure intensities, and the proposed distribution, location and extent of various categories of land use shown on the Future Land Use Map may be construed to have the effect of regulation rather than general guidance.

Under these circumstances, the provisions of this policy are intended to provide relief to landowners when, owing to conditions unique to a particular piece of property and not the actions of the landowner, literal enforcement of the Plan would result in an unnecessary hardship for the landowner. The only avenues of relief available pursuant to this policy are provisions for nonconforming uses, more specifically described as follows.

Policy 1.8.2: Nonconforming Uses: A nonconforming use is a lawful use of land or a building which was in existence prior to the effective date of this Plan, but which does not conform to the provisions of this Plan. The specific intent of this Policy is the eventual elimination of nonconforming uses by attrition, abandonment, or force majeure as speedily as may be possible consistent with proper safeguards for the rights of those persons affected.

- (1) The County shall regulate nonconforming uses to eliminate those uses over time. In certain cases, the County may revise, where appropriate, the FLUM

to establish an appropriate land use designation which reflects existing land uses that are nonconforming as of May 14, 1990. Nonconforming land uses shall comply with the following policies:

- a. Occupancy and use of existing cleared land and/or existing, vacant structures reduces the potential for damage to natural resources, promotes urban in-fill development, and decreases the need for new infrastructure services. The County shall support the use and limited expansion of non-conforming land uses to accomplish this objective.
- b. Nonconforming land uses may be used, occupied and continued in a nonconforming condition under the following conditions and circumstances.
 - i. The nonconforming use must have been lawfully in existence at the time this Plan was adopted.
 - ii. When a nonconforming use is discontinued for a consecutive period of 1 year, the property involved may thereafter be used only for conforming purposes.
 - iii. Continuation of a nonconforming use must be for the same type or category of use as was initially authorized. Allowable Uses listed in Tables 3A and 12A of this Plan shall be used to determine whether or not a proposed use is the same type or category of use as the existing nonconforming use.
 - iv. The nonconforming use must not be extended onto any piece of property, which was not part of the original, permitted use.
 - v. Continuation of the nonconforming use must not create an obvious nuisance or otherwise endanger the public health, safety, and welfare.
 - vi. The owner or tenant of a nonconforming use may not change the use unless the use is consistent with the Future Land Use Element and other provisions of this Plan.
 - vii. A nonconforming use which suffers damage to 51 percent or more of its fair market value may not be reestablished and must comply with all applicable provisions of this Code. A nonconforming use, which suffers damage of 50 percent or less of its fair market value, may be repaired to its pre-damaged condition.
 - viii. Single-family homes existing as of the date of adoption of this policy are considered to be conforming uses not subject to the provisions of

this policy; however, any redevelopment of the single-family home must meet all other plan requirements.

- ix. Designated historical sites and structures which are nonconforming shall be exempt from these provisions.
- c. A nonconforming use may be expanded or extended without regard to compliance with this Plan provided all of the following circumstances and conditions are met.
 - i. A nonconforming use can not be extended or expanded onto any separately described property.
 - ii. The extension or expansion shall be limited to 20% of the structure or property involved, or 5000 square feet, whichever is less.
 - iii. The expansion or extension must be used for the same type of activity or use as the nonconforming use.
 - iv. Expansion or extension of the nonconforming use must not create an obvious nuisance or otherwise endanger the public health, safety, and welfare.

Objective 1.9: To establish policies governing annexation by municipalities relative to the provisions of this Plan.

Public Purpose: To ensure that effective planning is accomplished during and following annexations.

Policy 1.9.1: Municipal Annexations: The following criteria shall apply to all municipal annexations which incorporate unincorporated areas of the County:

Policy 1.9.1.1: Jurisdiction: The County shall retain jurisdiction over unincorporated areas until such time as the annexation requirements of Chapter 171, Florida Statutes are met.

Policy 1.9.1.2: Effect on Land Use: The following shall apply with regard to jurisdiction over land use and the effect of land use changes resulting from annexations:

- (1) County land use regulations shall remain in full force and effect within annexed areas until such time as the municipality of jurisdiction adopts a plan amendment that includes the annexed area.
- (2) When an area is annexed, the County may reallocate and redistribute any vacant areas included in the annexed area to other unincorporated areas

shown on the FLUM. Re-distribution shall be by land use category or district on an acre for acre basis, and shall only apply to vacant areas in the annexed area. Any such re-distributions shall be subject to the applicable plan amendment provisions of Chapter 163, Florida Statutes.

Policy 1.9.1.3: Effect on Public Facilities and Services: It is the intent of the County to minimize potential conflicts that might arise over jurisdictional responsibilities and provision of urban services. To this end, the following standards shall be observed:

- (1) All requirements for annexation set forth in Chapter 171, Florida Statutes shall be strictly adhered to.
- (2) Upon annexation, the annexing municipality shall assume operation and maintenance responsibility for all dedicated public facilities and services including rights-of-way, roads, bridges, drainage, recreation, police, fire, or other similar municipal services, except for the county road system designated pursuant to s.334.03(8), Florida Statutes and enterprise fund public facilities and services.
- (3) The County shall object to the annexation of any unincorporated area in which the County is providing enterprise fund public facilities and services unless such annexation includes the terms for conveyance as part of a contract, interlocal agreement, or other binding legal instrument.
- (4) The County shall object to the annexation of any unincorporated area in which the County has formally anticipated providing enterprise fund public facilities and services as set forth in the Strategic Plan for Infrastructure or Capital Improvements Element of this Plan, or as specified in any franchise or interlocal agreement which defines service areas.

Objective 1.10: To generally provide guidance and definitive direction to local officials charged with the administration of this Plan.

Public Purpose: To provide general guidance and direction to local officials.

Policy 1.10.1: General Administrative Guidance: As specified in s.163.3167(1)(d), Florida Statutes this element is intended to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of Chapter 163, Part II, otherwise known as the "Local Government Comprehensive Planning Land Development Regulation Act."

Policy 1.10.2: Relationship to Other Laws or Regulations: It is the intent of the Board to minimize duplication regulations governing the use and development of land. To this end, when a federal, state, or regional agency has implemented a permitting program the County shall not be required to duplicate or exceed that

program in this Plan, pursuant to Section 163.3184(6)(c), Florida Statutes. However, any proposals to delete goals, objectives, policies, guidelines or standards from this Plan that duplicate or exceed federal, state, or regional agency permitting programs shall be identified and supported by adequate data and analysis and are subject to the comprehensive plan amendment requirements found in Chapter 163, Part II, Florida Statutes.

Policy 1.10.3: Innovative Strategies: It is the intent of the Board that this Plan provide for innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to planned unit developments, transfer of development rights, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed use development, and sector planning

Policy 1.10.4: Severability: If any part, section, subsection, or other portion of this Plan, or any application thereof to any person or circumstance is declared by a court of law to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Plan, and that it would have enacted this Plan regardless of the invalid or prescribed provision or application.

Objective 1.11: Establish, promote, and maintain consistency and uniformity between the provisions of this Plan and any County land development or zoning regulations.

Public Purpose: The adoption and enforcement of a land development code for the County to be based on, related to, and a means of implementation of this Plan (s.163.3201, F.S.).

Performance Measure: Adoption of land development and/or zoning regulations which are consistent with and implement the provisions of this Plan.

Policy 1.11.1: In addition to the general land development regulation criteria specified in Policy 3.6.1 of this Plan, the County shall establish and maintain specific standards, criteria, guidelines, and regulations for the following:

- (1) Zoning Regulations to include: general provisions; administrative procedures; zoning administration; residential zones; seasonal/resort zones; commercial zones; conservation zones; industrial zones; agriculture zones; special treatment zones; planned unit development; conditional uses; special uses, and; others as considered necessary.

- (2) Land Development Regulations to include; general provisions; development review; conservation standards; concurrency; mobile home parks; recreational vehicle parks; site preparation; drainage and stormwater management; parking and on-site utilities; landscaping and buffers; subdivisions; signs; incentives and bonuses, and; others as considered necessary.

Policy 1.11.2: Any reference to land development regulations found in this Plan shall be synonymous, interchangeable, and have the same meaning as Zoning Code, Development Code, or Zoning and Land Development Regulations.

Policy 1.11.3: Section 163.3194 Florida Statutes specifically requires that any land development regulation enacted, or development order issued, by a local government must be consistent with the comprehensive plan. A development or development order approved by the County shall be considered consistent with this Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities specified in this Plan. When making determinations regarding whether or not a development or development order is consistent with this Plan the following guidelines shall be considered.

- (1) Land Uses. The land use of a development or development order shall be consistent with this Plan when the type of land use to be developed (e.g. residential, commercial, etc.) is allowed in the proper land use category specified in Tables 3A and 12A, and is located within the proper land use designation (e.g. residential, commercial, etc.) area as shown on the official Future Land Use Map.
- (2) Densities or Intensities. The density or intensity of a development or development order shall be consistent with this Plan when the proposed density or intensity of use is equal to or less than the allowed density or intensity specified in Tables 3A and 12A for the type of development allowed in each land use category.
- (3) Capacity or Timing. The capacity, size or timing of a development or development order shall be consistent with this Plan when public facilities and services are available to serve the proposed development concurrent with the impact or demand that will be created by the proposed development, and when the impact of the proposed development will not exceed or degrade the level-of-service standards specified in the Capital Improvements Element.
- (4) Compatibility with Objectives and Policies. A development or development order shall be consistent and compatible with the objectives and policies of this Plan as follows:

- (a) An objective or policy must first have the effect of being a regulation, restriction, or limitation on allowable land use or development, or otherwise imposes a condition as a prerequisite to development (for example, a shoreline setback requirement or requiring developers to install road improvements).
- (b) The objective or policy is relevant and germane to the issue(s) or objection(s) raised relative to a particular development or development order (for example, application of a coastal related policy to a non-coastal area or urban-related policy to a rural area).

Objective 1.12: To establish policies promoting energy efficient land use patterns and reduce greenhouse gas emissions.

Policy 1.12.1: Within one year of the adoption of amendments to the Florida Administrative Code, specifically Rule 9J-5, by the Florida Department of Community Affairs, Bay County will amend the provisions of this Plan, including but not limited to, the Future Land Use and Transportation elements, to implement energy reduction strategies and reductions in greenhouse gas emissions.